

立法會

Legislative Council

LC Paper No. CB(2)1465/14-15

(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting held on Friday, 10 April 2015, at 10:45 am in Conference Room 3 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon NG Leung-sing, SBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Claudia MO
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Members
absent** : Hon Michael TIEN Puk-sun, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP

**Public Officers
attending** : Item IV

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mr Billy WOO Tak-ying
Principal Assistant Secretary for Security D

Mr WONG Yin-sang
Assistant Director (Control)
Immigration Department

Mr William FUNG Pak-ho
Assistant Director
(Enforcement & Removal Assessment)
Immigration Department

Mr Hermes TANG Yi-hoi, C.M.S.M.
Assistant Commissioner (Boundary and Ports)
Customs and Excise Department

Item V

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary for Security E

Mr Peter David Cornthwaite
Assistant Commissioner of Police
(Information Systems Wing)

Ms Irene HO Yuen-ha
Chief Superintendent (Crime HQ) (Crime Wing)
Hong Kong Police Force

Mr Matthew Philip James Hemmings
Chief Superintendent (Crime Support) (Crime Wing)
Hong Kong Police Force

Item VI

Mrs Erika HUI LAM Yin-ming, JP
Commissioner for Narcotics

Miss Rosalind CHEUNG Man-yee
Principal Assistant Secretary for Security
(Narcotics)1

Mr Albert CHAN Kin-hung
Chief Superintendent (Narcotics Bureau)
Hong Kong Police Force

Mr Lot CHAN Sze-tao
Chief Pharmacist
Department of Health

Dr POON Nai-leung
Senior Chemist
Government Laboratory

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr KAU Kin-wah
Senior Assistant Legal Adviser 3

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1078/14-15)

The minutes of the meeting held on 3 February 2015 were confirmed.

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II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)959/14-15(01), CB(2)1111/14-15(01), CB(2)1158/14-15(01), CB(2)1189/14-15(01) and CB(2)1191/14-15(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) letter dated 28 February 2015 from Justice Centre Hong Kong regarding the unified screening mechanism for non-refoulement claims;
- (b) letter dated 18 March 2015 from Ms Claudia MO regarding issues relating to security of the Government House Open Day;
- (c) letter dated 29 March 2015 from Civil Rights Observer regarding the Police's plan to procure specialised crowd management vehicles with water spray device;
- (d) referral from meeting between Legislative Council ("LegCo") Members and Yau Tsim Mong District Council members on 29 January 2015 regarding impact of implementation of the Fire Safety (Buildings) Ordinance (Cap. 572) on owners of old buildings in the Yau Tsim Mong District; and
- (e) referral from meeting between LegCo Members and North District Council members on 22 May 2014 regarding further opening up of Sha Tau Kok Closed Area.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1157/14-15(01) and (02))

Meeting in May 2015

3. Members agreed that the following items would be discussed at the next regular meeting on 5 May 2015 at 2:30 pm -

- (a) Drug Situation in Hong Kong in 2014;
- (b) Training on psychological quality of police officers; and
- (c) The Next Generation Electronic Passport System.

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Police's plan to procure specialised crowd management vehicles with water spray device

4. Dr Kenneth CHAN, Ms Cyd HO, Mr James TO, Mr Kenneth LEUNG and Ms Claudia MO expressed concern about the Police's plan to procure specialised crowd management vehicles with water spray device and considered that the subject should be discussed by the Panel. Mr James TO added that a special meeting should be held to discuss the subject before passage of the Appropriation Bill 2015.

5. Mr WONG Kwok-kin said that there was no urgency in discussing the subject and consideration could be given to including it in the Panel's list of outstanding items for discussion. Mr Christopher CHUNG considered that there was a need in Hong Kong for the vehicles concerned for maintaining a safety distance between police officers and demonstrators in confrontational situations.

6. The Chairman said that the procurement of the vehicles concerned had already been discussed at a special meeting of the Finance Committee ("FC") on 31 March 2015. According to the information provided by the Administration to FC, each of the vehicles concerned was estimated to cost around \$9 million. In this connection, FC had delegated powers to the Financial Secretary to create financial commitments up to \$10 million for projects on major systems and equipment. Nevertheless, he would consider the views expressed by members.

(Post-meeting note: On the instruction of the Chairman, the item "Police's handling of public meetings and public processions" was subsequently scheduled for discussion at the meeting on 5 May 2015 and the item "Training on psychological quality of police officers" was deferred to a future meeting.)

Latest situation regarding arrests and prosecutions in relation to the "Occupy Movement"

7. Dr CHIANG Lai-wan and Mr YIU Si-wing expressed concern about the latest situation regarding arrests and prosecutions in relation to the "Occupy Movement". Members agreed that the Administration be requested to provide information on arrests and prosecution in incidents relating to "Occupy Movement", including the statistics concerned as well as the latest progress and development.

IV. Latest situation of the operation of control points

(LC Paper Nos. CB(2)534/14-15(06) and CB(2)1157/14-15(03))

8. Under Secretary for Security ("US for S") briefed members on the latest situation regarding immigration clearance at control points and the measures adopted by the Immigration Department ("ImmD") to facilitate immigration clearance. He said that the total number of trips made by visitors to Hong Kong from 4 to 6 April 2015 had decreased by 12.4% over those of the same period last year. Among them, the total number of trips made by Mainland visitors and other visitors had decreased by 14% and 6.6% respectively over the same period last year.

9. Members noted the background brief entitled "Operation of control points" prepared by the LegCo Secretariat.

Changes in the number of visitors and e-Channels

10. Mr CHAN Kam-lam noted that a majority of the persons who received immigration clearance at control points were Hong Kong residents. He said that although the number of trips made by visitors had dropped in recent months, many control points were still very congested. He sought information on the Administration's timetable for increasing the number of e-Channels at different control points.

11. US for S referred to the Annex to the Administration's paper and said that about 55% to 60% of the passengers who received immigration clearance at control points were Hong Kong residents. The ratio of Mainland visitors and visitors from other places who received immigration clearance at control points was around 3:1. Assistant Director of Immigration (Control) ("AD of Imm(C)") added that there were currently a total of 431 e-Channels, including 123 multi-purpose e-Channels, at all control points. With the Mainland's introduction of electronic Exit-Entry Permit for Travelling to and from Hong Kong and Macao ("electronic EEPs") in 2014, more visitors were expected to use e-Channels. To enhance efficiency in immigration clearance, ImmD would install over 150 new multi-purpose e-Channels, bringing the total number of e-Channels to around 600. The new e-Channels were scheduled to come into operation from early 2016 onwards.

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12. Mr CHAN Kam-lam said that the recent decrease in the number of visitors might have a negative impact on the local employment market and tourism. He expressed concern about whether publicity would be launched to attract more visitors to Hong Kong.

13. Ms Claudia MO queried why the Administration was only concerned about the recent drop in the number of visitors, but not about previous increases in the number of Mainland visitors. US for S advised that the number of Mainland visitors had been increasing for many years and the decrease in the last month indicated a change of the increasing trend.

14. Referring to the Annex to the Administration's paper, Ms Claudia MO asked whether visitors from the Mainland and other places were classified on the basis of their nationality or the place from which they arrived. AD of Imm(C) responded that classification was based on the nationality of visitors.

15. Ms Claudia MO queried why more immigration staff were not recruited to relieve congestion at control points. AD of Imm (C) responded that immigration manpower had increased in the last few years and would also increase in the current year. Besides increasing manpower, ImmD had also adopted other measures to streamline workflow and facilitate immigration clearance at control points, such as the installation of more e-Channels and the introduction of non-stamping immigration clearance for visitors.

16. Mr CHAN Chi-chuen asked how the existing 123 multi-purpose e-Channels were allocated for use by Hong Kong residents and visitors. He sought information on the criteria, if any, for allocation of multi-purpose e-Channels for use by Hong Kong residents and visitors. He also asked whether the 150 new multiple-purpose e-Channels to be installed would all be allocated for use by visitors.

17. AD of Imm(C) advised that multi-purpose e-Channels were allocated flexibly for use by eligible Hong Kong residents and visitors, having regard to the prevailing circumstances of individual control points. He said that movements involving about 3.5 million electronic EEP holders had been recorded and around 940 000 Mainland residents with booklet EEPs had enrolled for using e-Channels.

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18. Mr YIU Si-wing expressed concern about a drop in the number of overseas visitors in recent months. He said that the Administration should consider introducing measures to facilitate immigration clearance for multi-destination travellers. It should also seek to extend the length of stay of such travellers in Hong Kong. US for S said that efforts were made by the Administration to shorten the immigration clearance time for visitors. He said that the suggestion would be relayed to the relevant policy bureau and the Hong Kong Tourism Board.

19. Dr CHIANG Lai-wan said that the installation of more e-Channels would facilitate immigration clearance and help to relieve the work pressure of frontline immigration staff. However, she was concerned whether more non-refoulement claimants might come to Hong Kong with clearance of more visitors by multi-purpose e-Channels instead of traditional immigration counters.

20. US for S responded that overseas visitors from visa-free countries who wished to use e-Channels for immigration clearance had to satisfy the requirement of having visited Hong Kong via the Hong Kong International Airport for at least three times in the past 12 months and enrolled with ImmD, which would examine his past immigration records. Persons who should be questioned, such as those on the watch list of suspected parallel traders, would be referred from e-Channels to immigration counters for questioning. Effective immigration control would thus be maintained at e-Channels. He added that a number of non-refoulement claimants had entered Hong Kong illegally or lodged non-refoulement claims upon their arrival in Hong Kong before immigration clearance.

Capacity of the Lok Ma Chau Spur Line ("LMCSL") Control Point

21. Mr LEUNG Che-cheung said that although a majority of passengers crossing the control points were Hong Kong residents, he noted that not all e-Channels were in operation during peak periods. He considered that e-Channels should be fully utilised during peak periods and flexibly deployed to reduce congestion at immigration control points. He expressed concern that the volume of passengers using LMCSL Control Point had reached its designed capacity and asked whether the capacity could be further increased.

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22. US for S responded that a contra-flow immigration clearance arrangement had been adopted for LMCSL Control Point. Under the arrangement, the number of immigration counters for arriving passengers could be increased from 34 to 49 and the number of immigration counters for departing passengers could be increased from 28 to 44.

Arrangements for reciprocal use of automated clearance services with other places

23. Noting that ImmD had entered into arrangements for reciprocal use of automated clearance services with Korea, Germany and Singapore, Dr Kenneth CHAN sought information on the number of persons who had registered for use of such arrangements. He also asked whether there was any exchange of personal data under such arrangements.

24. US for S explained that such reciprocal arrangements did not involve exchange of personal data between Hong Kong and the countries concerned. Persons who wished to register under the reciprocal arrangements had to provide their personal data to the countries concerned. AD of Imm(C) advised that as at February 2015, a total of about 4 700 residents of the three countries and more than 5 300 Hong Kong residents had made registrations with the countries concerned. The Administration planned to enter into such reciprocal arrangements with more countries and places, having regard to their automated immigration clearance facilities and whether the places concerned were popular destinations of Hong Kong residents.

25. Mr LEUNG Kwok-hung said that consideration should be given to entering into such reciprocal arrangements with Taiwan. US for S responded that a number of factors were taken into consideration by the Administration when determining whether to enter into such arrangements with other places, including whether the place was visited by a large number of Hong Kong residents, their immigration clearance facilities and interest in entering into such a reciprocal arrangement.

Automated vehicle clearance

26. Mr CHUNG Kwok-pan said that he had used the vehicular kiosk at the Shenzhen Bay Port Control Point on the previous day and noted that although immigration clearance for vehicles with a driver but no passengers was very fast, there was a very long queue of vehicles with passengers. As not all vehicular kiosks were in use at that time, he queried why ImmD had not opened up more vehicular kiosks to cope with the large number of vehicles with passengers.

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27. AD of Imm(C) responded that ImmD had been monitoring the vehicle clearance situation at different control points, including the Shenzhen Bay Control Point. Immigration manpower was flexibly deployed at different time of a day to cope with needs. Where necessary, additional immigration manpower was redeployed from other control points to meet the needs of a control point.

V. Replacement of the Infrastructure Platform for the Police Operational Nominal Index Computer System and the Criminal Intelligence Computer System
(LC Paper Nos. CB(2)1157/14-15(04) and (05))

28. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning the requirement of disclosing personal pecuniary interest.

29. US for S briefed members on the Administration's proposal to replace the infrastructure platform for the Police Operational Nominal Index Computer System ("PONICS") and the Criminal Intelligence Computer System ("CICS").

30. Members noted the background brief entitled "Police Operational Nominal Index Computer System and Criminal Intelligence Computer System" prepared by the LegCo Secretariat.

Whether the Administration's proposal would involve addition of new functions to existing systems

31. Mr Charles MOK asked whether the proposed replacement of infrastructure platform would involve addition of new functions to PONICS and CICS. He said that a police officer responsible for taking his fingerprints at a police station had informed him that the process had to be performed manually because the fingerprint scanner could not function properly. He considered that if a majority of the Police's fingerprint scanners could not function properly, the Police should look into the problem.

32. US for S responded that while the proposed replacement of infrastructure platform would not bring about new functions to PONICS and CICS, the processing speed would be increased and the data inputting process would be automated. He said that in the event of arrest of a large

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number of persons, the fingerprints of some arrestees might be taken by fingerprint scanners while those of others might be taken manually to expedite the fingerprint-taking process. Nevertheless, he would convey Mr Charles MOK's concerns to the Police.

33. Mr MA Fung-kwok, Mr CHAN Kam-lam and Mr YIU Si-wing asked why consideration had not been given to adding new functions to PONICS and CICS. Mr YIU Si-wing also asked how the functions of CICS compared with those of similar systems in other jurisdictions.

34. US for S responded that the proposed replacement of infrastructure platform would not involve addition of new functions to PONICS and CICS, as the functions of the existing systems could meet the respective needs of the Police and other law enforcement agencies ("LEAs"). He added that although the new infrastructure platform would not introduce new functions to PONICS and CICS, the software to be procured would be the latest version, which would enhance the analysis of crime information. He said that the functions of CICS were comparable to those of similar systems in other jurisdictions.

Suppliers of infrastructure platform, PONICS and CICS

35. Dr Kenneth CHAN asked whether the existing infrastructure platform had been developed locally or procured from an overseas supplier. He also sought information on the country from which the new infrastructure platform would be supplied. Assistant Commissioner of Police (Information Systems Wing) ("ACP(IS)") responded that the existing infrastructure platform had been developed by a tenderer. Regarding procurement of the new infrastructure platform, US for S advised that tenders would be invited for the supply of the new infrastructure platform after approval of funding by FC.

36. Mr Paul TSE asked whether there had been any change in the suppliers of PONICS and CICS since the systems were first introduced in Hong Kong. He also asked whether there were mechanisms in place to ensure fairness and prevent provision of deferred benefits in the tender specifications.

37. ACP(IS) responded that while previous generations of PONICS and CICS were built on the same infrastructure platform, the current proposal involved the procurement of a new infrastructure platform and migration of systems including PONICS and CICS to the new infrastructure platform. In the process of drawing up tender

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specifications, the Information Systems Wing would work with user policy wings of the Police to understand their requirements, including those relating to infrastructure and upgrading of software. Whether the hardware and software required for the new infrastructure platform would be divided into different elements in tendering would be considered having regard to cost-efficiency considerations.

Security of information stored inside PONICS and CICS

38. Dr Kenneth CHAN asked whether there was tight control on access to PONICS by police officers. He expressed concern about the volume of personal information stored inside PONICS and requested the Administration to provide such information in its paper for FC. He pointed out that the European Court of Human Rights had stated in a case in 2008 that the United Kingdom ("UK") Government had collected and stored excessive personal information in a similar system. The UK Criminal Records Bureau had also been found to have made a number of mistakes in its criminal record entries.

39. US for S said that the Police was very concerned about the security of information stored inside PONICS. Besides measures to protect the physical security of such system, there were also measures in place to prevent and detect unauthorised access to the system. Information stored in the system could only be used in compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and other relevant legislation. He said that the Administration would provide information on the number of persons' records stored inside PONICS in its paper for FC.

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40. Mr LEUNG Kwok-hung expressed concern about whether there was any monitoring of access to PONICS and CICS. US for S advised that PONICS was a central repository of criminal records in Hong Kong and information of all persons signified as "missing persons" or "wanted persons". PONICS was accessible by the Police, the Correctional Services Department ("CSD"), the Customs and Excise Department ("C&ED"), ImmD and the Independent Commission Against Corruption ("ICAC"). CICS was a criminal intelligence system accessible by authorised police officers only.

41. Chief Superintendent (Crime Support) (Crime Wing), Hong Kong Police Force said that authorised personnel of the Police, CSD, C&ED, ImmD and ICAC could only access PONICS on a "need to know" basis and they were only allowed to read but not amend the records. The Police's Criminal Records Bureau was responsible for updating and

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amending the records in PONICS and there was a proper system and audit trail in place to monitor access to the system and prevent abuse. Random checks on access to the system were conducted by a designated security officer.

Other issues

42. Mr MA Fung-kwok asked whether there was any linkage between PONICS and CICS. US for S responded that PONICS, CICS and other systems had been built on the same infrastructure platform following a consultant's recommendation in 2014 that the systems should be built on an enterprise architecture framework to save resources and facilitate management. ACP(IS) added that the areas studied by the consultant included applications, infrastructure environment, security and access to systems, end-user platform and the governance of systems. PONICS and CICS were two independent systems.

43. Mr LEUNG Kwok-hung expressed concern about how the consultant had been engaged. US for S responded that the consultant had been appointed through an open tendering exercise and in accordance with the established tendering procedures.

44. Mr MA Fung Kwok asked whether PONICS and CICS had contributed to the Police's anti-terrorism work. US for S advised that the two systems had been found useful in crime detection, including the Police's anti-terrorism work and detection of financial crime.

45. Mr CHAN Kam-lam asked whether the proposed infrastructure platform contained any backup system and whether contingency measures had been drawn up to deal with breakdown of the infrastructure platform, if it could not be replaced in time. He also expressed concern about the possibility of hacking of the network on which information in PONICS was shared by different LEAs.

46. ACP(IS) advised that although one of the hardware manufacturers had confirmed that it could not provide maintenance service beyond May 2017, the Police would discuss with the manufacturers how the systems could be kept serviceable before the infrastructure platform was replaced. The maintenance contractor would be asked to extend their maintenance service for both PONICS and CICS until the new infrastructure platform came into service in 2018.

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47. The Chairman concluded that members had no objection in principle to the Administration's submission of its proposal to FC.

[To allow sufficient time for discussion, members agreed that the meeting be extended for 15 minutes.]

VI. Amendments to the First Schedule to the Dangerous Drugs Ordinance

(LC Paper Nos. CB(2)1157/14-15(06) and (07))

48. Commissioner for Narcotics ("C for N") briefed members on the Administration's proposal to update the definition of synthetic cannabinoids in the First Schedule to the Dangerous Drugs Ordinance ("DDO") (Cap. 134) and bring NBOMe compounds under control in DDO.

49. Members noted the background brief entitled "Amendments to the First Schedule to the Dangerous Drugs Ordinance" prepared by the LegCo Secretariat.

50. Mr LEUNG Kwok-hung considered that publicity drives should be launched by the Administration to educate the public on the harmful effects of synthetic cannabinoids and NBOMe compounds before the Administration's proposed legislative amendments were enacted.

51. C for N responded that the Administration publicised the serious harm caused by drugs as part of its on-going anti-drug work. She pointed out that many new types of synthetic drugs had emerged in recent years. The Administration was keeping track of developments in different areas, including the latest recommendations of the Expert Committee on Drug Dependence ("ECDD") of the World Health Organization and the United Nations Commission on Narcotic Drugs ("UNCND"), as well as reports on the drug situation in other jurisdictions, in considering proposals for legislative control of any new psychotropic substances. An important objective was to bring newly emerging dangerous drugs under control before they became prevalent in Hong Kong.

52. Dr Kenneth CHAN said that the inclusion of new drugs in the list of dangerous drugs should mainly be based on the drug situation in Hong Kong. There was no need for the Administration to wait for the recommendations of ECDD or UNCND.

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53. C for N responded that besides keeping track of the latest recommendations of ECDD and UNCND as well as findings of other jurisdictions, the Administration would also monitor the latest drug trend in Hong Kong. All these would be taken into consideration at the same time and there had been past examples of new drugs proposed for addition to the list of dangerous drugs in Hong Kong before a recommendation for control by international bodies. She added that before proposing to list any new drug for control, the Administration would seek to ascertain if such drug had any proper alternative medical or other uses.

54. Mr Paul TSE asked how the Administration assessed whether a new drug was prevalent in Hong Kong. He asked whether there was any mechanism for removing a drug from the list of dangerous drugs, given that some jurisdictions had removed cannabis from the list of dangerous drugs.

55. C for N responded that the LEAs would usually notice the appearance of a new drug in drug seizure and exchange of intelligence with other jurisdictions. The issue of removing any drug from legislative control involved complex issues.

56. Referring to paragraph 7 of the Administration's paper, the Deputy Chairman asked whether there was adequate monitoring of suspected new drugs in Hong Kong. He expressed concern on whether, in such light, the Administration's proposed legislative control could catch up with the emergence of new drugs. C for N responded that the Administration was closely monitoring the emergence of new drugs in Hong Kong and overseas. In addition, the Hong Kong Poison Information Centre of the Hospital Authority was also keeping track of the emergence of new drugs.

57. Referring to Annex C of the Administration's paper, Mr KWOK Wai-keung asked how the synthetic cannabinoids and NBOMe compounds concerned had been identified by LEAs. He also sought information on the number of drug abusers involved. He asked whether persons found in possession of such new drugs had been subject to any punishment, given that the proposed legislative amendments were still to be enacted.

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58. C for N responded that the new drugs concerned were not yet prevalent in Hong Kong. Before enactment of the proposed legislative amendments, the possession of such new drugs was not an offence. Chief Superintendent (Narcotics Bureau), Hong Kong Police Force added that in Hong Kong, heroin, ketamine, methamphetamine and MDMA were more commonly abused. LEAs would arrange for testing by the Government Laboratory of substances suspected to be dangerous drugs seized during operations. This could result in the identification of newly emerging drugs which had not yet been subject to control.

59. There being no other business, the meeting ended at 12:54 pm.

Council Business Division 2
Legislative Council Secretariat
13 May 2015